**Not for Publication** 

## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

JACQUELINE FRISCIA, and all other

v.

persons similarly situated,

Civil Action No. 16-3754 (ES) (SCM)

Plaintiff,

:

ORDER

PANERA BREAD COMPANY, and

PANERA, LLC,

Defendants.

eiendants.

## SALAS, DISTRICT JUDGE

Pending before the Court are Plaintiff Jacqueline Friscia's motion for conditional certification of a proposed collective action under Section 216(b) of the Fair Labor Standards Act ("FLSA") (D.E. No. 38) and Defendants Panera Bread Company and Panera, LLC's ("Panera") motion to strike Plaintiff's motion and supporting declarations (D.E. No. 55); and the Court having considered the parties' submissions in support of and in opposition to the pending motions and having decided the matters without oral argument, *see* Fed. R. Civ. P. 78(b); and for the reasons set forth in the Court's accompanying Opinion; and for other good cause shown,

IT IS on this 26th day June 2018,

**ORDERED** that Plaintiff's motion for conditional certification under Section 216(b) of the FLSA (D.E. No. 38) is GRANTED-in-part and DENIED-in-part; and it is further

**ORDERED** that Panera's motion to strike (D.E. No. 55) is DENIED without prejudice; and it is further

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**ORDERED** that the Court will conditionally certify the following collective:

Plaintiff and all other individuals who currently or formerly worked for Panera Bread Company and/or Panera, LLC as assistant managers in New Jersey from February 1, 2014 to the present and did not receive overtime compensation for

hours worked over 40 in a work week:

and it is further

**ORDERED** that the parties shall meet and confer about Plaintiff's proposed Notice of

Lawsuit and Consent to Join Lawsuit forms and then submit agreed-upon proposed forms—along

with details regarding the method and timing of notification—to the Hon. Steven C. Mannion,

U.S.M.J., within fifteen days of the date of this Order; and it is further

**ORDERED** that if the parties are unable to agree on proposed forms, each party shall

submit to Magistrate Judge Mannion, within twenty days of the date of this Order, its own proposed

forms—along with a letter brief (not to exceed three single-spaced pages) in support of its proposed

forms—and details regarding the method and timing of notification; and it is further

**ORDERED** that, in light of this expedited meet-and-confer process, Plaintiff's request to

toll the claims of potential collective-action members is DENIED; and it is further

**ORDERED** that within fifteen days of the date of this Order, Panera shall furnish to

Plaintiff's counsel a list—in electronic form and to be treated by the parties as confidential—

containing the names and last known address of all individuals comprising the above-defined

collective; and it is further

**ORDERED** that the Clerk of Court shall TERMINATE docket entries 38 and 55.

s/Esther Salas

Esther Salas, U.S.D.J.

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